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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/266,269	03/11/1999	YOSHIHIRO HONMA	35.G2354	5569

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NEW YORK, NY 10112

EXAMINER

WU, DOROTHY

ART UNIT	PAPER NUMBER
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2615

12

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/266,269

Applicant(s)

HONMA, YOSHIHIRO

Examiner

Dorothy Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 24-31 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, U.S. Patent 6,262,769, in view of the admitted prior art.

Regarding claim 24, Anderson teaches an image processing apparatus (digital camera 110) comprising: an image capture unit (imaging device 114) (Fig. 3), a memory (DRAM 346) adapted to store a first image (image data) captured by said image capture unit, and a display unit (LCD 402) adapted to display the first image (image data) (col. 4, lines 8-11). Anderson teaches that a second image (text) is displayed on the LCD screen (col. 7, lines 52-55; col. 8, lines 16-36). The superimposing unit and the display of the second image superimposed on the first image are inherently taught. Anderson teaches the determination of the camera orientation, and that the second image (text) may be rotated as well as the first image (image data) so that the user can view the first and second images (image and text) in the same orientation, which reads on a

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process of rotating the second image according to a rotation of the image processing apparatus before the second image is superimposed on the first image (col. 7, lines 63-64; col. 8, lines 39-42). Anderson does not teach an outputting unit to output the first image on which a third image is superimposed. The admitted prior art teaches that an image (image data) with a superimposed third image (text) is outputted to a TV monitor (page 5, line 22-page 6, line 8, Fig. 6D). The outputting unit is inherently taught. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the outputting of a third image superimposed upon a first image taught by the admitted prior art in the image processing apparatus taught by Anderson to make an image processing apparatus that reads out second and third images, rotates the second image, superimposes the second and third images upon a first image, displays the first image with the second image superimposed thereupon, and outputs the first image with the third image superimposed thereupon. One of ordinary skill would have been motivated to make such a modification to enable an image to be outputted to multiple channels in an orientation appropriate to the display or outputted channel.

Regarding claim 25, Anderson teaches the rotation of the first image (image data) according to a rotation of the image processing apparatus (col. 7, line 60-col. 8, line 16; Figs. 10A and 10B). Anderson teaches that a third image (text) is displayed with the first image (image data) (col. 7, lines 52-55; col. 8, lines 16-36). Anderson teaches the first and third images (image and text) are viewed in the same orientation, which reads on a process of rotating the first image according to a rotation of the image processing apparatus before the third image is superimposed on the first image (col. 7, lines 63-64; col. 8, lines 39-42). The admitted prior art

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teaches that an image (image data) with a superimposed third image (text) is outputted to a TV monitor (page 5, line 22-page 6, line 8, Fig. 6D).

Regarding claims 28 and 29, because the apparatuses of claims 24 and 25 are taught, the methods corresponding to the apparatuses are also taught.

Regarding claim 26, Anderson teaches a digital camera 110 comprising: an image capture unit (imaging device 114) (Fig. 3), a memory (DRAM 346) adapted to store a first image (image data) captured by said image capture unit, and a display unit (LCD 402) adapted to display the first image (image data) (col. 4, lines 8-11). Anderson teaches that a second image (text) is displayed on the LCD screen (col. 7, lines 52-55; col. 8, lines 16-36). The superimposing unit and the display of the second image superimposed on the first image are inherently taught. Anderson teaches the determination of the camera orientation, and that the second image (text) may be rotated as well as the first image (image data) so that the user can view the first and second images (image and text) in the same orientation, which reads on a process of rotating the second image according to a rotation of the image processing apparatus before the second image is superimposed on the first image (col. 7, lines 63-64; col. 8, lines 39-42). Anderson does not teach an outputting unit to output the first image on which a third image is superimposed. The admitted prior art teaches that an image (image data) with a superimposed third image (text) is outputted to a TV monitor (page 5, line 22-page 6, line 8, Fig. 6D). The outputting unit is inherently taught. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the outputting of a third image superimposed upon a first image taught by the admitted prior art in the image processing apparatus taught by Anderson to make an image processing apparatus that reads out second and third images, rotates the second

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image, superimposes the second and third images upon a first image, displays the first image with the second image superimposed thereupon, and outputs the first image with the third image superimposed thereupon. One of ordinary skill would have been motivated to make such a modification to enable an image to be outputted to multiple channels in an orientation appropriate to the display or outputted channel.

Regarding claim 27, Anderson teaches the rotation of the first image (image data) according to a rotation of the image processing apparatus (col. 7, line 60-col. 8, line 16; Figs. 10A and 10B). Anderson teaches that a third image (text) is displayed with the first image (image data) (col. 7, lines 52-55; col. 8, lines 16-36). Anderson teaches the first and third images (image and text) are viewed in the same orientation, which reads on a process of rotating the first image according to a rotation of the image processing apparatus before the third image is superimposed on the first image (col. 7, lines 63-64; col. 8, lines 39-42). The admitted prior art teaches that an image (image data) with a superimposed third image (text) is outputted to a TV monitor (page 5, line 22-page 6, line 8, Fig. 6D).

Regarding claims 30 and 31, because the apparatuses of claims 26 and 27 are taught, the methods corresponding to the apparatuses are also taught.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Dorothy Wu*  
DW  
March 24, 2004



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